

EXHIBIT 3

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FORTRESS INVESTMENT GROUP LLC

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14
15 VLSI TECHNOLOGY LLC,

16 Plaintiff,

17 v.

18 INTEL CORPORATION,

19 Defendant.
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CASE NO. 3:17-cv-05671-BLF

**OBJECTIONS AND RESPONSES TO
INTEL CORPORATION'S NOTICE OF
SUBPOENA TO FORTRESS
INVESTMENT GROUP LLC**

1 Pursuant to Rule 45 of the Federal Rules of Civil Procedure, Third Party Fortress
2 Investment Group LLC (“Fortress”) hereby objects and responds to Defendant Intel Corporation’s
3 (“Intel”) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of
4 Premises in a Civil Action (“Subpoena”).

5 **INTRODUCTION**

6 Fortress objects to the vagueness and the breadth of the subject matter of Intel’s requests
7 in its Subpoena, particularly in light of the short timeframe in which Intel demanded a response
8 from a non-party, making Intel’s requests unduly burdensome. Intel’s Subpoena does not frame
9 requests in a way allowing for them to be meaningfully responded to, nor are the requests drafted
10 to avoid undue burden or hardship in responding. Fortress objects to the extent that Intel
11 purports to require the collection or production of any materials that are not relevant to this
12 litigation.

13 Any production or disclosure in this matter is made without waiver of any privilege or
14 protection, is made subject to the Northern District of California model protective order for
15 litigation involving patents (pursuant to Patent L.R. 2-2) until the parties in this case agree to the
16 terms of a stipulated Protective Order, under which any documents produced by Fortress in this
17 litigation will be subject.

18 **GENERAL OBJECTIONS**

19 The following General Objections apply to, and are incorporated by reference in, each
20 and every response to each specific request for production. Fortress’s identification of one or
21 more specific objections in any given response does not preclude the applicability of any of the
22 General Objections. From time to time, these responses may repeat a General Objection for
23 emphasis or other basis. The omission of any General Objection in any response is not intended
24 to be and should not be construed as a waiver or limitation of any General Objection. Likewise,
25 the inclusion of any additional specific objection in any response is not intended to be and should
26 not be construed as a waiver or limitation of any General Objection.

27 1. Fortress objects to each request to the extent it seeks documents or information
28 protected by: (a) the attorney-client privilege; (b) the work-product doctrine; (c) the common

1 interest privilege; (d) a constitutional right to privacy; (e) a statutory privacy obligation; or (f) any
2 other privilege or protection afforded by law. Such protected material may include the
3 impressions, conclusions, opinions, legal research or theories of attorneys, whether or not
4 communicated to their client, and/or any other applicable privilege or protection. Any inadvertent
5 production of information or documents subject to any such privilege or protection shall not be
6 deemed a waiver of any privilege or protection with respect to such documents or information.

7 2. Fortress objects to each request to the extent that it seeks information protected by
8 a nondisclosure agreement with a third party, or is subject to similar confidentiality requirements.
9 Although the Parties have not yet executed a Confidentiality Agreement, to the extent that Fortress
10 provides responses or information marked as Confidential or Attorneys' Eyes Only, such
11 information is provided with the understanding that such items are to be treated in accordance with
12 corresponding (or similar) provisions of the Confidentiality Agreement ultimately entered in this
13 action.

14 3. Fortress objects to each request as overly broad and unduly burdensome to the
15 extent it seeks information beyond what is available from a reasonable search of files under the
16 possession, custody, or control of Fortress likely to contain relevant or responsive documents and
17 a reasonable inquiry of personnel that Fortress reasonably believes may have relevant knowledge
18 of relevant or responsive documents.

19 4. Fortress objects to each request to the extent that it seeks the production of
20 materials or documents in any manner that is inconsistent with the agreements set forth in the Joint
21 Case Management Statement [Dkt. No. 41] and Case Management Order [Dkt. No. 44].

22 5. Fortress objects to each request to the extent that it is compound or duplicative of
23 other requests.

24 6. Fortress objects to Intel's definitions and instructions to the extent that they purport
25 to impose requirements that are different from, or in addition to, those imposed by the Federal
26 Rules of Civil Procedure, the Local Rules of this Court, agreements set forth in the Joint Case
27 Management Statement, the Case Management Order, or any other applicable rule or statute, and
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1 will construe the requests in a manner consistent with the Federal Rules of Civil Procedure, the
2 Local Rules of this Court, and the Parties' prior and subsequent Agreement(s).

3 7. Fortress objects to Intel's definitions and requests to the extent that they purport to
4 alter the plain meaning and/or scope of any specific request, on the ground that such alteration
5 renders the request vague, ambiguous, overly broad, and uncertain.

6 8. Fortress objects to each request to the extent that it purports to require the
7 preparation of a privilege log for privileged documents generated after the filing of this lawsuit, or
8 for communications between legal counsel for Fortress and Fortress, or work product documents
9 that reflect work of counsel for Fortress, even if created before the filing date of the complaint, or
10 which otherwise conflicts with the agreement set forth in the Joint Case Management Statement
11 and Case Management Order. Inclusion of such material in any privilege log would be unduly
12 burdensome and likely to reveal privileged or other protected information.

13 9. Fortress objects to each request to the extent that it seeks information that is not
14 relevant to any claim or defense in this action or is not reasonably calculated to lead to the
15 discovery of admissible evidence.

16 10. Fortress objects to the extent that any request seeks information beyond the
17 geographic or temporal scope of this matter.

18 11. Fortress objects to Intel's requests to the extent that they seek expert analyses and
19 opinions prior to the time for such disclosure, or seek to require Fortress to produce any draft
20 reports or similar materials barred from discovery under Fed. R. Civ. P. 26(b)(4).

21 12. Fortress objects to each request to the extent that it seeks the disclosure of "all"
22 information or documents on the basis that such request is overly broad, unduly burdensome,
23 oppressive and not relevant to any claim or defense of any party to this action.

24 13. Fortress objects to Intel's requests to the extent they are vague, ambiguous, overly
25 broad, fail to reasonably identify the information sought, unduly burdensome, and posed for
26 improper purposes, including, without limitation, embarrassment, undue annoyance, harassment,
27 delay, or to increase the expense of litigation or to the extent they call for legal conclusion or
28 opinion.

1 14. Fortress objects to Intel's requests to the extent that they seek information that is a
2 matter of public record or is equally available to or readily ascertainable by Intel from some other
3 source that is more convenient, less burdensome, or less expensive. To the extent that a discovery
4 request seeks publicly available information, Fortress will produce publicly available information
5 within its possession, custody, or control, but will not conduct public records searches for
6 documents or information.

7 15. Any response by Fortress shall not be construed as providing or agreeing to any
8 legal conclusion regarding the meaning or application of any terms or phrases used in any of
9 Intel's requests, definitions, or instructions. Nothing shall be construed herein as an admission
10 regarding the admissibility or relevance of any information or document.

11 16. Fortress objects to each request to the extent that it seeks information or the
12 identification of documents that are not within the possession, custody, or control of Fortress, or
13 refers to persons, entities, or events not known to Fortress, subjecting Fortress to unreasonable and
14 undue annoyance, oppression, burden, and expense, and imposing upon them an obligation to
15 discover information or materials from third parties or services who are equally accessible to Intel.

16 17. Fortress objects to each request to the extent that it requests Fortress to prepare any
17 document or other information that does not already exist.

18 18. Fortress objects to Intel's definitions of "Fortress," "You," and "Your" as overly
19 broad and unduly burdensome and to the extent that they purport to require a response on behalf of
20 any corporate entity other than Fortress, the party to this proceeding. Fortress further objects on
21 the grounds that Intel purports to extend Requests containing these terms to cover information
22 outside the possession, custody or control of the Fortress, or to the extent that this definition
23 includes entities or persons who are not a party to this lawsuit.

24 19. Fortress objects to Intel's definition of "Related Patent" as overly broad and unduly
25 burdensome to the extent it seeks information that is neither relevant to this action nor reasonably
26 calculated to lead to the discovery of admissible evidence. Fortress further objects to Intel's
27 definition of the term as overly broad and unduly burdensome to the extent that it describes
28 information beyond what is available from a reasonable inquiry of Fortress's employees and a

1 reasonable search of Fortress's documents in those locations and files that are readily identifiable
2 as those that would have responsive information.

3 20. Fortress objects to the definitions of "Asserted Patents" and "Related Patents" as
4 overbroad and unduly burdensome, on the ground that they purport to include "foreign patent and
5 patent application for which any applicant is also a named inventor on any Asserted Patent and
6 that concerns the same or similar subject matter as any Asserted Patent, including any
7 continuation, continuation in part, divisional, provision, reexamination, reissue, or any other patent
8 or patent application, whether domestic or foreign (including rejected, abandoned, or pending
9 applications)" of the asserted patents. Fortress will interpret "Asserted Patent" to mean only the
10 eight patents asserted in this action. Fortress will interpret "Related Patent" in its common,
11 ordinary sense, i.e., a patent or application that is related to one of the eight Asserted Patents by a
12 parent-child relationship or by issuing from a common parent application, or a foreign equivalent.

13 21. Fortress objects to the definition of "Interest" as overly broad and unduly
14 burdensome as it is defined without reasonable limitation.

15 22. Fortress objects to the definition of "Other Portfolio Patent(s)" overly broad and
16 unduly burdensome to the extent it seeks information that is neither relevant to this action nor
17 reasonably calculated to lead to the discovery of admissible evidence. Fortress further objects to
18 Intel's definition of the term as overly broad and unduly burdensome to the extent that it describes
19 information beyond what is available from a reasonable inquiry of Fortress's employees and a
20 reasonable search of Fortress's documents in those locations and files that are readily identifiable
21 as those that would have responsive information. Fortress will interpret "Other Patent(s)" as
22 covering patents or applications assigned to VLSI Technology by any of the entities listed in the
23 definition.

24 23. Fortress objects to Intel's definition of "Prior Art" to the extent that it calls for a
25 legal conclusion, and because it is vague and ambiguous. The identification of any document or
26 information in response to any Interrogatory or Request seeking information concerning "Prior
27 Art" shall not be deemed an admission concerning the nature of such document or information.

1 24. Unless otherwise indicated, any response or objection that references the
2 production of “documents” applies with equal force to any request for the production of “things.”

3 25. Fortress reserves the right to supplement or amend its objections and productions
4 any response in light of further Orders of the Court, arguments of any party, stipulations or
5 agreements regarding the discovery of electronically stored information (“ESI”), or in light of the
6 receipt of discovery or evidence that is not yet in its possession.

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1 **OBJECTIONS TO REQUESTS FOR PRODUCTION**

2 **REQUEST NO. 1:**

3 All Documents, Communications, and Things referring or Relating to the acquisition, sale,
4 license, assignment, or enforcement of the Asserted Patents or Related Patents.

5 **RESPONSE TO REQUEST NO. 1:**

6 Fortress incorporates by reference its General Objections. Fortress objects to the extent
7 that this request seeks the production of documents or materials that are or may be privileged or
8 subject to work product protection, including because those privileges or protections may be held
9 by entities other than Fortress. Fortress objects to the extent that this request seeks information
10 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
11 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
12 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
13 Fortress, including because it seeks “All Documents, Communications, and Things,” and is not
14 limited in time or subject matter. Fortress also objects that this request is overly broad, unduly
15 burdensome, oppressive, harassing, and imposes unnecessary expense to Fortress, including
16 because of the breadth of the requested materials and documents. Fortress objects to the extent
17 that this request purports to require the production of information already produced by another
18 entity.

19 Subject to the foregoing and without waiver of its general or specific objections, Fortress
20 responds it will produce relevant non-privileged and responsive documents within its possession,
21 custody, or control (to the extent that such documents exist and are located after a reasonable
22 search).

23 **REQUEST NO. 2:**

24 All Documents, Communications, and Things referring or Relating to efforts to acquire,
25 sell, license, assign, or enforce the Asserted Patents or Related Patents, including without
26 limitation all Documents, Communications, and Things referring or Relating to offers to sell,
27 license, or assign, or negotiations or settlement discussions concerning, any of the Asserted
28 Patents or Related Patents.

1 **RESPONSE TO REQUEST NO. 2:**

2 Fortress incorporates by reference its General Objections. Fortress objects to the extent
3 that this request seeks the production of documents or materials that are or may be privileged or
4 subject to work product protection, including because those privileges or protections may be held
5 by entities other than Fortress. Fortress objects to the extent that this request seeks information
6 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
7 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
8 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
9 Fortress, including because it seeks “All Documents, Communications, and Things,” and is not
10 limited in time or subject matter. Fortress also objects that this request is overly broad, unduly
11 burdensome, oppressive, harassing, and imposes unnecessary expense to Fortress, including
12 because of the breadth of the requested materials and documents. Fortress objects to this Request
13 as vague and ambiguous with respect to the terms and/or phrases “efforts to acquire, sell, license,
14 assign, or enforce,” “Related Patents,” and “concerning.” Fortress objects to the extent that this
15 request purports to require the production of information already produced by another entity.

16 Subject to the foregoing and without waiver of its general or specific objections, Fortress
17 responds it will produce relevant non-privileged and responsive documents within its possession,
18 custody, or control (to the extent that such documents exist and are located after a reasonable
19 search).

20 **REQUEST NO. 3:**

21 All Documents, Communications, and Things referring or Relating to any valuation (third
22 party or internal) of (a) the Asserted Patents; (b) the Related Patents; (c) any Asserted Patent; (d)
23 any Related Patent; and (e) any group of patents that includes at least one of the Asserted Patents.
24 This includes without limitation all investor presentations.

25 **RESPONSE TO REQUEST NO. 3:**

26 Fortress incorporates by reference its General Objections. Fortress objects to the extent
27 that this request seeks the production of documents or materials that are or may be privileged or
28 subject to work product protection, including because those privileges or protections may be held

1 by entities other than Fortress. Fortress objects to the extent that this request seeks information
2 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
3 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
4 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
5 Fortress, including because it seeks “All Documents, Communications, and Things,” and is not
6 limited in time or subject matter. Fortress also objects that this request is overly broad, unduly
7 burdensome, oppressive, harassing, and imposes unnecessary expense to Fortress, including
8 because of the breadth of the requested materials and documents. Fortress objects to this Request
9 as vague and ambiguous with respect to the terms and/or phrases “Related Patents,” and “investor
10 presentations.” Fortress objects to the extent that this request purports to require the production of
11 information already produced by another entity.

12 Fortress is willing to meet-and-confer with Intel regarding the production of investor
13 presentations, the proper scope of the request, as well as whether Intel has a legal basis to request
14 such documents via subpoena from non-party Fortress. Subject to the foregoing and without
15 waiver of its general or specific objections, Fortress responds it will otherwise produce relevant
16 non-privileged and responsive documents within its possession, custody, or control (to the extent
17 that such documents exist and are located after a reasonable search).

18 **REQUEST NO. 4:**

19 All Documents, Communications, and Things referring or Relating to any valuation (third
20 party or internal) of any Other Portfolio Patent(s).

21 **RESPONSE TO REQUEST NO. 4:**

22 Fortress incorporates by reference its General Objections. Fortress objects to the extent
23 that this request seeks the production of documents or materials that are or may be privileged or
24 subject to work product protection, including because those privileges or protections may be held
25 by entities other than Fortress. Fortress objects to the extent that this request seeks information
26 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
27 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
28 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to

1 Fortress, including because it seeks “All Documents, Communications, and Things,” and is not
2 limited in time or subject matter. Fortress also objects that this request is overly broad, unduly
3 burdensome, oppressive, harassing, and imposes unnecessary expense to Fortress, including
4 because of the breadth of the requested materials and documents. Fortress objects to this Request
5 as vague and ambiguous with respect to the terms and/or phrases “valuation,” and “Other Portfolio
6 Patent(s).” Fortress objects to the extent that this request purports to require the production of
7 information already produced by another entity.

8 Subject to the foregoing and without waiver of its general or specific objections, Fortress is
9 willing to meet-and-confer with Intel regarding the subject matter of this request, as well as
10 whether Intel has a legal basis to request documents via subpoena from non-party Fortress.

11 **REQUEST NO. 5:**

12 Documents sufficient to Identify the three Persons at Fortress most knowledgeable about
13 the transfer of the Asserted Patents or Related Patents to VLSI.

14 **RESPONSE TO REQUEST NO. 5:**

15 Fortress incorporates by reference its General Objections. Fortress objects to the extent
16 that this request seeks the production of documents or materials that are or may be privileged or
17 subject to work product protection, including because those privileges or protections may be held
18 by entities other than Fortress. Fortress objects to the extent that this request seeks information
19 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
20 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
21 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
22 Fortress, including because it is not limited in time or subject matter. Fortress also objects that
23 this request is overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary
24 expense to Fortress, including because of the breadth of the requested materials and documents.
25 Fortress objects to this Request as vague and ambiguous with respect to the terms and/or phrases
26 “Related Patents.” Fortress objects to the extent that this request purports to require the
27 production of information already produced by another entity. Fortress further objects to this
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1 request to the extent it seeks to obligate Fortress to generate documents “sufficient to Identify” or
2 reach a conclusion about the “Persons at Fortress most knowledgeable.”

3 Subject to the foregoing and without waiver of its general or specific objections, Fortress
4 responds it is unaware of documents in its possession, custody, or control that are responsive to
5 this request.

6 **REQUEST NO. 6:**

7 All Documents referring or Relating to Your interactions with NXP, Freescale
8 Semiconductor, Inc., and/or Michael Stolarski regarding any potential transaction concerning the
9 Asserted Patents, any group of patents that includes at least one of the Asserted Patents, Related
10 Patents, or any Other Portfolio Patent(s), including but not limited to patent analyses, why these
11 particular patents were discussed and/or selected for discussion, valuations, and/or estimates or
12 projections of potential financial returns.

13 **RESPONSE TO REQUEST NO. 6:**

14 Fortress incorporates by reference its General Objections. Fortress objects to the extent
15 that this request seeks the production of documents or materials that are or may be privileged or
16 subject to work product protection, including because those privileges or protections may be held
17 by entities other than Fortress. Fortress objects to the extent that this request seeks information
18 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
19 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
20 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
21 Fortress, including because it seeks “All Documents” and is not limited in time or subject matter.
22 Fortress also objects that this request is overly broad, unduly burdensome, oppressive, harassing,
23 and imposes unnecessary expense to Fortress, including because of the breadth of the requested
24 materials and documents. Fortress objects to this Request as vague and ambiguous with respect to
25 the terms and/or phrases “Related Patents,” “Other Portfolio Patent(s),” and “patent analyses.”
26 Fortress objects to the extent that this request purports to require the production of information
27 already produced by another entity.

1 Subject to the foregoing and without waiver of its general or specific objections, Fortress
2 responds it will produce non-privileged and responsive documents reasonably related to the
3 subject matter of this action within its possession, custody, or control (to the extent that such
4 documents exist and are located after a reasonable search).

5 **REQUEST NO. 7:**

6 All Documents Relating to the Interest of Fortress in this Litigation and/or the Asserted
7 Patents, including estimates or projections regarding potential royalty returns or other income
8 from the Asserted Patents.

9 **RESPONSE TO REQUEST NO. 7:**

10 Fortress incorporates by reference its General Objections. Fortress objects to the extent
11 that this request seeks the production of documents or materials that are or may be privileged or
12 subject to work product protection, including because those privileges or protections may be held
13 by entities other than Fortress. Fortress objects to the extent that this request seeks information
14 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
15 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
16 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
17 Fortress, including because it seeks “All Documents” and is not limited in time or subject matter.
18 Fortress also objects that this request is overly broad, unduly burdensome, oppressive, harassing,
19 and imposes unnecessary expense to Fortress, including because of the breadth of the requested
20 materials and documents. Fortress objects to this Request as vague and ambiguous with respect to
21 the terms and/or phrases “estimates or projections.” Fortress objects to the extent that this request
22 purports to require the production of information already produced by another entity.

23 Subject to the foregoing and without waiver of its general or specific objections, Fortress is
24 willing to meet-and-confer with Intel regarding the subject matter of this request, the proper scope
25 of the request, as well as whether Intel has a legal basis to request such documents via subpoena
26 from non-party Fortress.

1 **REQUEST NO. 8:**

2 All Documents Relating to funding, financing, or investing in VLSI, CF VLSI Holdings
3 LLC, this Litigation, the enforcement of the Asserted Patents, and/or the maintenance of the
4 Asserted Patents, including but not limited to all agreements concerning the same.

5 **RESPONSE TO REQUEST NO. 8:**

6 Fortress incorporates by reference its General Objections. Fortress objects to the extent
7 that this request seeks the production of documents or materials that are or may be privileged or
8 subject to work product protection, including because those privileges or protections may be held
9 by entities other than Fortress. Fortress objects to the extent that this request seeks information
10 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
11 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
12 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
13 Fortress, including because it seeks “All Documents” and is not limited in time or subject matter.
14 Fortress also objects that this request is overly broad, unduly burdensome, oppressive, harassing,
15 and imposes unnecessary expense to Fortress, including because of the breadth of the requested
16 materials and documents. Fortress objects to this Request as vague and ambiguous with respect to
17 the terms and/or phrases “funding, financing, or investing” and “maintenance.” Fortress objects to
18 the extent that this request purports to require the production of information already produced by
19 another entity.

20 Subject to the foregoing and without waiver of its general or specific objections, Fortress is
21 willing to meet-and-confer with Intel regarding the subject matter of this request, the scope of the
22 request, as well as whether Intel has a legal basis to request documents via subpoena from non-
23 party Fortress.

24 **REQUEST NO. 9:**

25 All Documents Relating to the relationship between Fortress, on the one hand, and NXP
26 and/or Freescale Semiconductor, Inc., on the other hand.

1 **RESPONSE TO REQUEST NO. 9:**

2 Fortress incorporates by reference its General Objections. Fortress objects to the extent
3 that this request seeks the production of documents or materials that are or may be privileged or
4 subject to work product protection, including because those privileges or protections may be held
5 by entities other than Fortress. Fortress objects to the extent that this request seeks information
6 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
7 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
8 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
9 Fortress, including because it seeks “All Documents” and is not limited in time or subject matter.
10 Fortress also objects that this request is overly broad, unduly burdensome, oppressive, harassing,
11 and imposes unnecessary expense to Fortress, including because of the breadth of the requested
12 materials and documents. Fortress objects to this Request as vague and ambiguous with respect to
13 the terms and/or phrases “relationship.” Fortress objects to the extent that this request purports to
14 require the production of information already produced by another entity.

15 Subject to the foregoing and without waiver of its general or specific objections, Fortress
16 responds it will produce relevant non-privileged and responsive documents within its possession,
17 custody, or control (to the extent that such documents exist and are located after a reasonable
18 search).

19 **REQUEST NO. 10:**

20 Documents sufficient to show Your corporate structure, including all funds and
21 subsidiaries, and Your relationship (including but not limited to all financial arrangements) to CF
22 VLSI Holdings LLC and/or VLSI.

23 **RESPONSE TO REQUEST NO. 10:**

24 Fortress incorporates by reference its General Objections. Fortress objects to the extent
25 that this request seeks the production of documents or materials that are or may be privileged or
26 subject to work product protection, including because those privileges or protections may be held
27 by entities other than Fortress. Fortress objects to the extent that this request seeks information
28 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably

1 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
2 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
3 Fortress, including because it is not limited in time or subject matter. Fortress also objects that
4 this request is overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary
5 expense to Fortress, including because of the breadth of the requested materials and documents.
6 Fortress objects to this Request as vague and ambiguous with respect to the terms and/or phrases
7 “corporate structure.” Fortress objects to the extent that this request purports to require the
8 production of information already produced by another entity.

9 Subject to the foregoing and without waiver of its general or specific objections, Fortress is
10 willing to meet-and-confer with Intel regarding the subject matter of this request, the scope of the
11 request, as well as whether Intel has a legal basis to request such documents via subpoena from
12 non-party Fortress.

13 **REQUEST NO. 11:**

14 Documents Relating to Your strategy for investing in patents and/or litigation, including
15 but not limited to Documents provided to or presented to investors or prospective investors, as
16 well as Documents describing any analyses conducted and/or criteria used in making decisions
17 whether to invest in patents and/or litigation.

18 **RESPONSE TO REQUEST NO. 11:**

19 Fortress incorporates by reference its General Objections. Fortress objects to the extent
20 that this request seeks the production of documents or materials that are or may be privileged or
21 subject to work product protection, including because those privileges or protections may be held
22 by entities other than Fortress. Fortress objects to the extent that this request seeks information
23 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
24 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
25 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
26 Fortress, including because it is not limited in time or subject matter. Fortress also objects that
27 this request is overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary
28 expense to Fortress, including because of the breadth of the requested materials and documents.

1 Fortress objects to this Request as vague and ambiguous with respect to the terms and/or phrases
2 “strategy for investing in patents and/or litigation,” and “analyses conducted and/or criteria used in
3 making decisions whether to invest in patents and/or litigation.” Fortress objects to the extent that
4 this request purports to require the production of information already produced by another entity.

5 Subject to the foregoing and without waiver of its general or specific objections, Fortress is
6 willing to meet-and-confer with Intel regarding the subject matter of this request, as well as
7 whether Intel has a legal basis to request such documents via subpoena from non-party Fortress.

8 **REQUEST NO. 12:**

9 All Documents Relating to or constituting Communications between or among Fortress,
10 NXP, Freescale Semiconductor, Inc., VLSI, CF VLSI Holdings LLC, and/or Michael Stolarski
11 Relating to any Other Portfolio Patent(s), any Asserted Patent(s), or any Related Patent(s)
12 (including but not limited to any discussion concerning licensing or ownership); this Litigation; or
13 Intel.

14 **RESPONSE TO REQUEST NO. 12:**

15 Fortress incorporates by reference its General Objections. Fortress objects to the extent
16 that this request seeks the production of documents or materials that are or may be privileged or
17 subject to work product protection, including because those privileges or protections may be held
18 by entities other than Fortress. Fortress objects to the extent that this request seeks information
19 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
20 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
21 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
22 Fortress, including because it seeks “All Documents” and is not limited in time or subject matter.
23 Fortress also objects that this request is overly broad, unduly burdensome, oppressive, harassing,
24 and imposes unnecessary expense to Fortress, including because of the breadth of the requested
25 materials and documents. Fortress objects to the extent that this request purports to require the
26 production of information already produced by another entity.

27 Subject to the foregoing and without waiver of its general or specific objections, Fortress
28 responds it will produce non-privileged and responsive documents reasonably related to the

1 subject matter of this action within its possession, custody, or control (to the extent that such
2 documents exist and are located after a reasonable search).

3 **REQUEST NO. 13:**

4 All Communications with Michael Stolarski, VLSI, and/or CF VLSI Holdings LLC.

5 **RESPONSE TO REQUEST NO. 13:**

6 Fortress incorporates by reference its General Objections. Fortress objects to the extent
7 that this request seeks the production of documents or materials that are or may be privileged or
8 subject to work product protection, including because those privileges or protections may be held
9 by entities other than Fortress. Fortress objects to the extent that this request seeks information
10 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
11 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
12 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
13 Fortress, including because it seeks “All Communications” and is not limited in time or subject
14 matter. Fortress also objects that this request is overly broad, unduly burdensome, oppressive,
15 harassing, and imposes unnecessary expense to Fortress, including because of the breadth of the
16 requested materials and documents. Fortress objects to the extent that this request purports to
17 require the production of information already produced by another entity.

18 Subject to the foregoing and without waiver of its general or specific objections, Fortress
19 responds it will produce non-privileged and responsive communications reasonably related to the
20 subject matter of this action within its possession, custody, or control (to the extent that such
21 documents exist and are located after a reasonable search).

22 **REQUEST NO. 14:**

23 All Communications with any Entity or Person purporting to be VLSI’s legal counsel,
24 including without limitation Bunsow De Mory LLP.

25 **RESPONSE TO REQUEST NO. 14:**

26 Fortress incorporates by reference its General Objections. Fortress objects to the extent
27 that this request seeks the production of documents or materials that are or may be privileged or
28 subject to work product protection, including because those privileges or protections may be held

1 by entities other than Fortress. Fortress objects to the extent that this request seeks information
2 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
3 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
4 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
5 Fortress, including because it seeks “All Communications” and is not limited in time or subject
6 matter. Fortress also objects that this request is overly broad, unduly burdensome, oppressive,
7 harassing, and imposes unnecessary expense to Fortress, including because of the breadth of the
8 requested materials and documents. Fortress objects to the extent that this request purports to
9 require the production of information already produced by another entity.

10 Subject to the foregoing and without waiver of its general or specific objections, Fortress is
11 willing to meet-and-confer with Intel regarding the subject matter of this request, as well as
12 whether Intel has a legal basis to request such documents via subpoena from non-party Fortress.

13 **REQUEST NO. 15:**

14 All Documents, Communications, and Things referring or Relating to the circumstances by
15 which Fortress and/or any owner of the Asserted Patents or Related Patents first became aware of
16 any alleged, actual, or perceived infringement of the Asserted Patents or Related Patents involving
17 Intel or Intel components or products.

18 **RESPONSE TO REQUEST NO. 15:**

19 Fortress incorporates by reference its General Objections. Fortress objects to the extent
20 that this request seeks the production of documents or materials that are or may be privileged or
21 subject to work product protection, including because those privileges or protections may be held
22 by entities other than Fortress. Fortress objects to the extent that this request seeks information
23 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
24 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
25 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
26 Fortress, including because it seeks “All Documents, Communications, and Things” and is not
27 limited in time or subject matter. Fortress also objects that this request is overly broad, unduly
28 burdensome, oppressive, harassing, and imposes unnecessary expense to Fortress, including

1 because of the breadth of the requested materials and documents. Fortress objects to this Request
2 as vague and ambiguous with respect to the terms and/or phrases “Related Patents.” Fortress
3 objects to the extent that this request purports to require the production of information already
4 produced by another entity.

5 Subject to the foregoing and without waiver of its general or specific objections, Fortress
6 responds it will produce relevant non-privileged and responsive documents within its possession,
7 custody, or control (to the extent that such documents exist and are located after a reasonable
8 search).

9 **REQUEST NO. 16:**

10 All Documents Relating to claims and/or potential claims in the Litigation, including the
11 estimated value of the Litigation, the potential damages recovery, the infringement allegations and
12 theories, any analysis of potential invalidity, enforceability, or other defenses, and any assessment
13 of purported strength or weakness associated with the Litigation.

14 **RESPONSE TO REQUEST NO. 16:**

15 Fortress incorporates by reference its General Objections. Fortress objects to the extent
16 that this request seeks the production of documents or materials that are or may be privileged or
17 subject to work product protection, including because those privileges or protections may be held
18 by entities other than Fortress. Fortress objects to the extent that this request seeks information
19 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
20 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
21 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
22 Fortress, including because it seeks “All Documents” and is not limited in time or subject matter.
23 Fortress also objects that this request is overly broad, unduly burdensome, oppressive, harassing,
24 and imposes unnecessary expense to Fortress, including because of the breadth of the requested
25 materials and documents. Fortress objects to the extent that this request purports to require the
26 production of information already produced by another entity.

27 Subject to the foregoing and without waiver of its general or specific objections, Fortress is
28 willing to meet-and-confer with Intel regarding the subject matter of this request, the proper scope

1 of the request, as well as whether Intel has a legal basis to request such documents via subpoena
2 from non-party Fortress.

3 **REQUEST NO. 17:**

4 Documents sufficient to Identify the three Fortress employees, officers, outside counsel,
5 and/or other personnel most knowledgeable regarding any license, sub-license, settlement,
6 covenant not to sue, or any other agreement, or offers for the same, under which any owner of the
7 Asserted Patents or Related Patents has granted or received, or offered to grant or sought to obtain,
8 any rights concerning the Asserted Patents, including without limitation any and all royalty or
9 other payments made or to be made under such license, sub-license, settlement, covenant, or other
10 agreement or offer.

11 **RESPONSE TO REQUEST NO. 17:**

12 Fortress incorporates by reference its General Objections. Fortress objects to the extent
13 that this request seeks the production of documents or materials that are or may be privileged or
14 subject to work product protection, including because those privileges or protections may be held
15 by entities other than Fortress. Fortress objects to the extent that this request seeks information
16 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
17 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
18 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
19 Fortress, including because it is not limited in time or subject matter. Fortress also objects that
20 this request is overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary
21 expense to Fortress, including because of the breadth of the requested materials and documents.
22 Fortress objects to this Request as vague and ambiguous with respect to the terms and/or phrases
23 “Related Patents.” Fortress objects to the extent that this request purports to require the production
24 of information already produced by another entity. Fortress further objects to this request to the
25 extent it seeks to obligate Fortress to generate documents “sufficient to Identify” or reach a
26 conclusion about the “personnel most knowledgeable.”

1 Subject to the foregoing and without waiver of its general or specific objections, Fortress
2 responds it is unaware of any documents in its possession, custody, or control that are responsive
3 to this request.

4 **REQUEST NO. 18:**

5 All Documents Relating to or analyzing the value of, or purporting to value, any patent or
6 group of patents owned or licensed by Fortress, CF VLSI Holdings LLC, or VLSI.

7 **RESPONSE TO REQUEST NO. 18:**

8 Fortress incorporates by reference its General Objections. Fortress objects to the extent
9 that this request seeks the production of documents or materials that are or may be privileged or
10 subject to work product protection, including because those privileges or protections may be held
11 by entities other than Fortress. Fortress objects to the extent that this request seeks information
12 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
13 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
14 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
15 Fortress, including because it seeks “All Documents” and is not limited in time or subject matter.
16 Fortress also objects that this request is overly broad, unduly burdensome, oppressive, harassing,
17 and imposes unnecessary expense to Fortress, including because of the breadth of the requested
18 materials and documents. Fortress objects to the extent that this request purports to require the
19 production of information already produced by another entity.

20 Subject to the foregoing and without waiver of its general or specific objections, Fortress is
21 willing to meet-and-confer with Intel regarding the subject matter of this request, the proper scope
22 of the request, as well as whether Intel has a legal basis to request such documents via subpoena
23 from non-party Fortress.

24 **REQUEST NO. 19:**

25 All Documents Relating to any legal proceeding or any threatened legal proceeding—
26 including, but not limited to any lawsuits, judicial proceedings, arbitrations, patent interference
27 proceedings, appeal proceedings, reissue or reexamination proceedings, or patent oppositions or
28

1 cancellation proceedings—Relating to each and any of the Asserted Patents and/or Related
2 Patents.

3 **RESPONSE TO REQUEST NO. 19:**

4 Fortress incorporates by reference its General Objections. Fortress objects to the extent
5 that this request seeks the production of documents or materials that are or may be privileged or
6 subject to work product protection, including because those privileges or protections may be held
7 by entities other than Fortress. Fortress objects to the extent that this request seeks information
8 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
9 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
10 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
11 Fortress, including because it seeks “All Documents” and is not limited in time or subject matter.
12 Fortress also objects that this request is overly broad, unduly burdensome, oppressive, harassing,
13 and imposes unnecessary expense to Fortress, including because of the breadth of the requested
14 materials and documents. Fortress objects to this Request as vague and ambiguous with respect to
15 the terms and/or phrases “Related Patents.” Fortress objects to the extent that this request purports
16 to require the production of information already produced by another entity.

17 Subject to the foregoing and without waiver of its general or specific objections, Fortress
18 responds it will produce relevant non-privileged and responsive documents within its possession,
19 custody, or control (to the extent that such documents exist and are located after a reasonable
20 search).

21 **REQUEST NO. 20:**

22 All Documents, Communications, and Things referring or Relating to any involvement by
23 Fortress and/or Michael Stolarski in the formation of VLSI and/or CF VLSI Holdings LLC.

24 **RESPONSE TO REQUEST NO. 20:**

25 Fortress incorporates by reference its General Objections. Fortress objects to the extent
26 that this request seeks the production of documents or materials that are or may be privileged or
27 subject to work product protection, including because those privileges or protections may be held
28 by entities other than Fortress. Fortress objects to the extent that this request seeks information

1 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
2 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
3 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
4 Fortress, including because it seeks “All Documents, Communications, and Things” and is not
5 limited in time or subject matter. Fortress also objects that this request is overly broad, unduly
6 burdensome, oppressive, harassing, and imposes unnecessary expense to Fortress, including
7 because of the breadth of the requested materials and documents. Fortress objects to the extent
8 that this request purports to require the production of information already produced by another
9 entity.

10 Subject to the foregoing and without waiver of its general or specific objections, Fortress
11 responds it will produce relevant non-privileged and responsive documents within its possession,
12 custody, or control (to the extent that such documents exist and are located after a reasonable
13 search).

14 **REQUEST NO. 21:**

15 All Documents, Communications, and Things referring or Relating to any Fortress
16 employee, officer, or director’s status, including without limitation Eran Zur’s status, as an
17 “authorized signatory” for VLSI and/or CF VLSI Holdings LLC.

18 **RESPONSE TO REQUEST NO. 21:**

19 Fortress incorporates by reference its General Objections. Fortress objects to the extent
20 that this request seeks the production of documents or materials that are or may be privileged or
21 subject to work product protection, including because those privileges or protections may be held
22 by entities other than Fortress. Fortress objects to the extent that this request seeks information
23 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
24 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
25 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
26 Fortress, including because it seeks “All Documents, Communications, and Things” and is not
27 limited in time or subject matter. Fortress also objects that this request is overly broad, unduly
28 burdensome, oppressive, harassing, and imposes unnecessary expense to Fortress, including

1 because of the breadth of the requested materials and documents. Fortress objects to the extent
2 that this request purports to require the production of information already produced by another
3 entity.

4 Subject to the foregoing and without waiver of its general or specific objections, Fortress is
5 willing to meet-and-confer with Intel regarding the subject matter of this request, the proper scope
6 of the request, as well as whether Intel has a legal basis to request such documents via subpoena
7 from non-party Fortress.

8 **REQUEST NO. 22:**

9 All agreements between Fortress, on the one hand, and VLSI and/or CF VLSI Holdings
10 LLC, on the other hand.

11 **RESPONSE TO REQUEST NO. 22:**

12 Fortress incorporates by reference its General Objections. Fortress objects to the extent
13 that this request seeks the production of documents or materials that are or may be privileged or
14 subject to work product protection, including because those privileges or protections may be held
15 by entities other than Fortress. Fortress objects to the extent that this request seeks information
16 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
17 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
18 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
19 Fortress, including because it seeks "All agreements" and is not limited in time or subject matter.
20 Fortress also objects that this request is overly broad, unduly burdensome, oppressive, harassing,
21 and imposes unnecessary expense to Fortress, including because of the breadth of the requested
22 materials and documents. Fortress objects to the extent that this request purports to require the
23 production of information already produced by another entity.

24 Subject to the foregoing and without waiver of its general or specific objections, Fortress is
25 willing to meet-and-confer with Intel regarding the subject matter of this request, the proper scope
26 of the request, as well as whether Intel has a legal basis to request such documents via subpoena
27 from non-party Fortress.

1 **REQUEST NO. 23:**

2 All agreements between Michael Stolarski, on the one hand, and Fortress, VLSI, and/or CF
3 VLSI Holdings LLC, on the other hand.

4 **RESPONSE TO REQUEST NO. 23:**

5 Fortress incorporates by reference its General Objections. Fortress objects to the extent
6 that this request seeks the production of documents or materials that are or may be privileged or
7 subject to work product protection, including because those privileges or protections may be held
8 by entities other than Fortress. Fortress objects to the extent that this request seeks information
9 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably
10 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
11 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
12 Fortress, including because it seeks "All agreements" and is not limited in time or subject matter.
13 Fortress also objects that this request is overly broad, unduly burdensome, oppressive, harassing,
14 and imposes unnecessary expense to Fortress, including because of the breadth of the requested
15 materials and documents. Fortress objects to the extent that this request purports to require the
16 production of information already produced by another entity.

17 Subject to the foregoing and without waiver of its general or specific objections, Fortress
18 responds it will produce non-privileged and responsive documents reasonably related to the
19 subject matter of this action within its possession, custody, or control (to the extent that such
20 documents exist and are located after a reasonable search).

21 **REQUEST NO. 24:**

22 All Documents Relating to the Asserted Patents.

23 **RESPONSE TO REQUEST NO. 24:**

24 Fortress incorporates by reference its General Objections. Fortress objects to the extent
25 that this request seeks the production of documents or materials that are or may be privileged or
26 subject to work product protection, including because those privileges or protections may be held
27 by entities other than Fortress. Fortress objects to the extent that this request seeks information
28 that is not relevant to the claim or defense of any party to the litigation, or is not reasonably

1 calculated to lead to the discovery of admissible evidence. Fortress objects that this request is
2 overly broad, unduly burdensome, oppressive, harassing, and imposes unnecessary expense to
3 Fortress, including because it seeks “All Documents” and is not limited in time or subject matter.
4 Fortress also objects that this request is overly broad, unduly burdensome, oppressive, harassing,
5 and imposes unnecessary expense to Fortress, including because of the breadth of the requested
6 materials and documents. Fortress objects to the extent that this request purports to require the
7 production of information already produced by another entity.

8 Subject to the foregoing and without waiver of its general or specific objections, Fortress
9 responds it will produce relevant non-privileged and responsive documents within its possession,
10 custody, or control (to the extent that such documents exist and are located after a reasonable
11 search).

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By: /s/ Craig Allison

Counsel for Non-Party
FORTRESS INVESTMENT GROUP LLC

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CERTIFICATE OF SERVICE

I am employed in the County of San Mateo, State of California. I am over the age of 18 and not a party to the within action. My business address is 701 El Camino Real, Redwood City, CA 94063.

On January 11, 2018, I served on the interested parties in said action the within:

**OBJECTIONS AND RESPONSES TO INTEL CORPORATION'S NOTICE OF
SUBPOENA TO FORTRESS INVESTMENT GROUP LLC**

by placing a true copy thereof in a sealed envelope(s) addressed as stated below and causing such envelope(s) to be deposited in the following manner.

William F. Lee (MA SBN 291960)
Dominic E. Massa (MA SBN 564694)
Jordan L. Hirsch (MA SBN 660407)
Louis W. Tompros (MA SBN 657791)
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☐ (MAIL) I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

1 ☐ (OVERNIGHT DELIVERY) by depositing in a box or other facility regularly
2 maintained by Federal Express, an express service carrier, or delivering to a courier
3 or driver authorized by said express service carrier to receive documents, a true
4 copy of the foregoing document in sealed envelopes or packages designated by the
express service carrier, addressed as stated above, with fees for overnight delivery
paid or provided for and causing such envelope(s) to be delivered by said express
service carrier.

5 ☐ (PERSONAL SERVICE) I caused each such envelope to be delivered by hand to
6 the offices of each interested party.

7 ☒ (EMAIL/ELECTRONIC TRANSMISSION) Based on a court order or an
8 agreement of the parties to accept service by e-mail or electronic transmission, I
9 caused the documents to be sent to the persons at the e-mail addresses listed above.
I did not receive, within a reasonable time after the submission, any electronic
message or other indication that the transmission was unsuccessful.

10 I declare under penalty of perjury that I am employed in the office of a member of the bar
11 of this Court at whose direction the service was made and that the foregoing is true and correct.

12 Executed on January 11, 2018, at Redwood City, California.

13
14 Jessika Sprague
15 (Type or print name)

14 /s/ Jessika Sprague
15 (Signature)

16 v